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On February 3, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: D. Schaller  
Diana M. Schaller

PATENT  
Attorney Docket No.: 18428B-000400

09/402260

#5

~~CONFIDENTIAL~~

01 FEB 2000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Eric H. Kawashima et al.

Application No.: 09/402,260

Filed: September 30, 1999

For: Method of Nucleic Acid Sequencing

Examiner: Unknown

Art Unit: Unknown

RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US)

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (the "Notification of Missing Requirements") dated December 10, 1999, enclosed are the following to be made of record in the above-identified application:


- 1) Executed Declaration and Power of Attorney;
- 2) Petition to Extend Time (One Month);
- 3) Copy of Notification of Missing Requirements;
- 4) Return postcard.

The Commissioner is hereby authorized to charge \$130.00 to Deposit Account No. 20-1430 in payment of the surcharge for providing the Declaration later than 30 months

COPY

from the priority date and any additional fees associated with this paper or during the pendency of this application (or credit any overpayment). This Response is submitted in triplicate.

Respectfully submitted,

  
William M. Smith  
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Patent and Trademark  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

H. Wang  
19428B-00040003

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/402260	KAWASHIMA	E 018428-00040

WILLIAM M SMITH  
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INTERNATIONAL APPLICATION NO.	
PCT/GB98/00963	
1 A. FILING DATE	PRIORITY DATE
01 APR 98	01 APR 97
DATE MAILED: 10 DEC 1999	

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.  
☒ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 30 SEP 99 and

☐ Information Disclosure Statement(s) filed and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

Additional claim fees of \$ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Charitta A. Burt, Patent Agent

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